

Jim McDonnell, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



February 25, 2015

Deputy Salvador Esquivel Jr., #[redacted]

Dear Deputy Esquivel:

On February 11, 2015, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2373710. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated February 18, 2015, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of three (3) days. However, pursuant to the EBD agreement, the three (3 days will be held in abeyance for a period of twelve (12) months which will end on February 17, 2016. All Department records will reflect, nevertheless, that you received a three (3) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the three (3) days held in abeyance will be imposed.

An investigation under File Number IAB 2373710, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to Field Operations Directive 07-02, and/or 3-10/150.00, Tactical Incidents), on or about July 1, 2012, while on duty, you failed to conform to the work standards established for your position as a deputy at Compton Station, when you failed to properly disperse a loud party disturbance on a subsequent response to the event, and/or failed employ

sound tactical principles during the dispersal of a large gathering as evidenced by, but not limited to:

a. failing to memorialize your contact with the host and/or complainant of a large gathering by means of video or audio recording; and/or,

b. failing to request assistance from other personnel before dispersing a large gathering; and/or,

c. failing to request and use the assistance Aero Bureau before dispersing a large gathering; and/or,

d. placing yourself in a position of tactical disadvantage by taking individual action and not communicating or coordinating a plan of response or dispersal prior to dispersing a large gathering.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

James P. Wolak, Captain
Narcotics Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules {when applicable}.

JPW:DLM:ym

c: Advocacy Unit
William J. McSweeney, Chief, Detective Division
Internal Affairs Bureau
Personnel Administration
Narcotics Bureau/Unit Personnel File



3-01/030.10 OBEDIENCE TO LAWS, REGULATIONS, AND ORDERS

a) Members shall not willfully violate any federal statute, state law or local ordinance,

b) Members shall conform to and abide by the following:

- Charter of Los Angeles County,
- Los Angeles County Code,
- Rules of the Department of Human Resources,

c) Members shall obey and properly execute all lawful orders issued by any supervisor of higher rank or classification or who is officially acting in such capacity,

d) When assigned to duty with another member of the Department, an employee shall be subject to disciplinary action for any violation by the other member of any provision of this chapter unless the employee was unaware of the violation or unless the employee, if the situation permits safe and prudent action, attempts in good faith to prevent the violation and, at the earliest reasonable time, reports the violation to his supervisor,

e) Members, who violate any rules, regulations, or policies of the Department or the County, shall be subject to disciplinary action. The commission or omission of any other act contrary to good order and discipline shall also be the subject of disciplinary action,

f) Members, who are arrested or detained for any offense, or named as a suspect, other than an infraction under the Vehicle Code, shall immediately notify their immediate supervisor or Watch Commander of the facts of the arrest or detention or allegation.

After business hours, if the member is unable to contact their immediate supervisor or Watch Commander at the Unit of Assignment, the member shall contact Sheriff's Headquarters Bureau and request immediate notification to their Unit Commander. The member shall provide details of the arrest or detention to Sheriff's Headquarters Bureau, including alleged charge(s), location, police agency jurisdiction, and return phone number where the member can be reached, for relay to the Unit Commander. The Sheriff's Headquarters Bureau member receiving notification shall immediately notify the employee's Unit Commander.

The Unit Commander shall immediately notify Internal Affairs Bureau. The employee's Unit Commander shall immediately respond to the member's location if the member is arrested and taken into custody.

According to the nature of the offense and in conformance with the rules of the Department of Human Resources, disciplinary action may result and may include, but is not limited to, the following:

- A reprimand (written),
- Suspension without pay,
- Reduction in rank,
- Dismissal from the Department.

NOTE: For purposes of this section, any reference to "members" shall include any member of the Department, both sworn and professional staff.

Revised 05/22/11
Revised 09/23/09 (Implementation October 1, 2009)
Revised 02/22/99
04/01/96 MPP



3-01/050.10 PERFORMANCE TO STANDARDS

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

Incompetence may be demonstrated by:

- A lack of knowledge of the application of laws required to be enforced,
- An unwillingness or inability to perform assigned tasks,
- Failure to conform to work standards established for the member's rank or position,
- Failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention,
- Absence without leave,
- Unnecessary absence from an assigned area during a tour of duty.

In addition to the above, the following will be considered to be prima facie evidence of incompetence:

- Repeated poor evaluations,
- A written record of repeated infractions of the Department's rules, regulations, manuals or directives.

04/01/96 MPP

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2373710*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

02/25/2015

DATE

SALVADOR ESQUIVEL,JR. #[redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***SALVADOR ESQUIVEL, JR.*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

02/25/2015

DATE

WITNESS SIGNATURE

JAMES P. WOLAK, CAPTAIN

WITNESS PRINT

Please return this page along within two (2) business days to:

YVONNE MENDEZ
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
(323) 890-5098

EDUCATION-BASED DISCIPLINE AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Salvador Esquivel Jr., Employee No. [redacted] hereinafter referred to as "Deputy Esquivel."

The Department and Deputy Esquivel are parties to this dispute and desire to settle all issues involved in IAB No. 2373710 upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Deputy Esquivel for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the three (3) day suspension shall stand. The Letter of Imposition shall contain the same charges as the Letter of Intent.

2. The Department will, upon execution of this Education-Based Discipline (EBD) Agreement, hold the three (3) days in abeyance pending completion of the below listed classes.

3. Deputy Esquivel understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this agreement, the three (3) days held in abeyance shall be imposed. In addition, Deputy Esquivel understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that Deputy Esquivel's records will reflect that the three (3) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. Deputy Esquivel further agrees to attend and complete the below listed EBD courses and understands that failure to complete **all** the courses and assignment shall result in the imposition of the three (3) days held in abeyance:

- Lieutenants' Interactive Forum for Education (LIFE) class (8 hours)
- Behavior Stress Management class (4 hours)
- Write an EBD evaluation reflecting on your experience with the EBD process.

6. The Department may adjust Deputy Esquivel's schedule to participate in EBD courses and EBD items, as EBD is conducted on-duty.

7. Deputy Esquivel agrees to cooperate with his Unit Commander to complete the courses as soon as practicable, but no longer than one (1) year from the date of execution of this EBD Agreement.

PPI updated 2-19-15 ym

8. Deputy Esquivel further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

9. The parties further agree that this EBD Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

10. In consideration of the terms and conditions set forth herein, Deputy Esquivel agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy Esquivel concerning the subject matter referred to herein.

11. Deputy Esquivel further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which Esquivel's as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

12. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this EBD Agreement.

13. The parties agree that the foregoing comprises the entire EBD Agreement between the parties and that there have been no other promises made by any party. Any modification of this EBD Agreement must be in writing.

I have read the foregoing EBD Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Date: 02/18/2015

Salvador Esquivel Jr., Deputy

Date: 02/18/2015

James P. Wolak, Captain
Narcotics Bureau



Jim McDonnell, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



February 11, 2015

Deputy Salvador Esquivel, Jr., #[redacted]

[redacted]

Dear Deputy Esquivel:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of three (3) days.

An investigation under IAB File Number 2373710, conducted by IAB, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to Field Operations Directive 07-02, and/or 3-10/150.00, Tactical Incidents), on or about July 1, 2012, while on duty, you failed to conform to the work standards established for your position as a deputy at Compton Station, when you failed to properly disperse a loud party disturbance on a subsequent response to the event, and/or failed employ sound tactical principles during the dispersal of a large gathering as evidenced by, but not limited to:

    a. failing to memorialize your contact with the host and/or complainant of a large gathering by means of video or audio recording; and/or,

    b. failing to request assistance from other personnel before dispersing a large gathering; and/or,

c. failing to request and use the assistance Aero Bureau before dispersing a large gathering; and/or,

d. placing yourself in a position of tactical disadvantage by taking individual action and not communicating or coordinating a plan of response or dispersal prior to dispersing a large gathering.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Yvonne Mendez, of Internal Affairs Bureau, at (323) 890-5098, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

James P. Wolak, Captain
Narcotics Bureau

JPW:DLM:ym

cc: Advocacy Unit
Employee Relations Unit
William J. McSweeney, Chief, Detective Division
Internal Affairs Bureau
(File # IAB 2373710)

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB 2373710.***

2-11-15

Date

[signature]

SALVADOR ESQUIVEL,JR., # [redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***SALVADOR ESQUIVEL,JR.***

2-11-15

Date

[signature]

WITNESS SIGNATURE

JAMES P. WOLAK

WITNESS PRINT

Please return this page within two (2) business days to:

YVONNE MENDEZ
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
(323) 890-5098

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: February 2, 2015

FROM: STEPHEN JOHNSON, COMMANDER
CENTRAL PATROL DIVISION

TO: DONNIE MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2315579
Incident:	Hit Shooting
Incident Date:	July 1, 2012
Unit:	Compton Station
Suspect:	Diaz, Ramon MH/07/01/91
Involved Employees:	Deputy Salvador Esquivel #[redacted]
EFRC Date:	January 29, 2015

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, David Halm and Patrick Maxwell met and reviewed the above case.

FINDINGS:

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used during the incident were not within Department policy. Deputy Esquivel received a three day suspension as a result of the findings.

RECOMMENDATIONS:

The EFRC made no recommendations.

SBJ:RFI:rfi

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: February 2, 2015

FROM: STEPHEN JOHNSON, COMMANDER
CENTRAL PATROL DIVISION

TO: JAMES P. WOLAK, CAPTAIN
NARCOTICS BUREAU

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RECOMMENDATIONS:

The EFRC made no recommendations.

SBJ:RFI:rfi

DISPOSITION WORKSHEET

Re: IAB IV 2373710
Subject: Salvador Esquivel Jr., #[redacted]
Investigator: Richard Martinez Jr., Internal Affairs Bureau
Advocate: Paul Patterson, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to Field Operations Directive 07-02, and/or 3-10/150.00, Tactical Incidents), on or about July 1, 2012, while on duty, Subject Esquivel failed to conform to the work standards established for his position as a deputy at Compton Station, when he failed to properly disperse a loud party disturbance on a subsequent response to the event, and/or failed employ sound tactical principles during the dispersal of a large gathering as evidenced by, but not limited to the following:

    a. failing to memorialize his contact with the host and/or complainant of a large gathering by means of video or audio recording; and/or;

    b. failing to request assistance from other personnel before dispersing a large gathering; and/or,

    c. failing to request and use the assistance Aero Bureau before dispersing a large gathering; and/or,

    d. placing himself in a position of tactical disadvantage by taking individual action and not communicating or coordinating a plan of response or dispersal prior to dispersing a large gathering.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised March 20, 2011) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	**Standard Discipline**
Performance to Standards	W/R to Discharge
Obedience to Laws, Regulations, and Orders	W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
__X__ **Suspension with loss of pay and benefits for __3__ days**
_____ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

TABLE OF CONTENTS
SH 2315579

- Suspect Diaz' Minute Order
- Force/Shooting Admonishment Forms
- Deputy Esquivel's Firearms Training Records

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 07-01-12	Bureau/Station/Facility: FOR-2 / Compton Station	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 012-08177-2846-011	Date: 07-01-12 Time: 0224 Hrs.
City or Station: Compton Station Location: 520 South Long Beach Blvd. Compton CA 90220	Nature of Incident: While standing on the sidewalk outside of the gate, Deputy Esquivel heard what he believed to be the sound of a "Taser" or stun gun being activated inside of the party. He then heard a single gunshot being fired from inside of the party. Deputy Esquivel stepped inside the gate and saw the suspect walking toward him while holding a handgun. Deputy Esquivel ordered the suspect to drop the gun. The suspect turned away from Deputy Esquivel and then, while still holding the handgun, turned to face Deputy Esquivel. Fearing for his safety, Deputy Esquivel fired two rounds from his duty weapon at the suspect. The suspect fell to the ground and was handcuffed by Deputy Hernandez.

Location Type (*circle one or more*): Backyard, Beach, Business (circled), Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, Street Lights (circled)

Weather (*circle only one*): Clear (circled), Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, Armed Person (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call (circled), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, Routine Patrol (circled)

Aero Unit? ☒ Canine Unit? ☐

Total # of Shots Fired by Deputy: 2

Total # of Shots Fired by Suspect: None

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Hernandez	Christopher	B	EM PM (circled) Day	Regular (circled) Overtime Off Duty
[redacted]	[redacted]	[redacted]		EM PM (circled) Day	Regular (circled) Overtime Off Duty
[redacted]	[redacted]	[redacted]		EM PM (circled) Day	Regular (circled) Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]	M.I. [redacted]
Street Address [redacted]	City [redacted]	Zip Code	Work Ph [redacted] Home Ph [redacted]
Last Name [redacted]		First Name [redacted]	M.I. [redacted]
Street Address [redacted]	City [redacted]	Zip Code	Work Ph [redacted] Home Ph [redacted]
Last Name [redacted]		First Name [redacted]	M.I. [redacted]
Street Address [redacted]	City [redacted]	Zip Code	Work Ph [redacted] Home Ph [redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	DeJong	Steven	R	On Duty (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Jones	Robert	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

PSTD Use Only
SH # ______

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 012-08177-2846-011

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
07-01-12	0330	12/23/14	

Employee #	Last Name	First Name	M.I
[redacted]	McBride	John	M.
[redacted]	Velasquez	Hector	
[redacted]	Martinez	Richard	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	CO	38			NN	
E#1	S#1	FH	BR	9	Y	Y	GS	HI
E#1	S#1	FH	BR	9	Y	Y	GS	AD

Officer Involved Shooting
Involved Employee Information

URN: 012-08177-2846-011

Involved Employee

E 1

Employee # [redacted]	Last Name: Esquivel	First Name: Salvador	M.I.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): 287H
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: / Interviewed? [X]
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 600 Weight: 205			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [X] Number of Prior Shootings: 1 / Directed Force: [redacted]
Weapons Fired Brand: Beretta 92FS Caliber: 9 # Shots: 2		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: / Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] Number of Prior Shootings: / Directed Force: [ ]
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: / Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] Number of Prior Shootings: / Directed Force: [ ]
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 012-08177-2846-011

Suspect Information

S 1

Last Name: Diaz	First Name: Ramon	M.I.: R
AKA Last Name:	First Name:	M.I.:

Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 21 D.O.B. 07-01-91	Height: 506 Weight: 180	FBI #: [redacted]	CII #: [redacted]
Booking #: 3216190	Primary Charge: 187(a)PC		Secondary Charge: 245(d)(1)PC
Coroner Case? ☒	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:		Secondary Charge:
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:		Secondary Charge:
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:		Secondary Charge:
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	Zip Code	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]	First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	Zip Code	Work Ph [redacted]	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name		M.I.	
Street Address	Zip Code	Work Ph	Home Ph	

INVESTIGATIVE SUMMARY

Investigative Summary

DEPUTY INVOLVED SHOOTING: HIT

CASE NUMBER: SH2315579

File # 012-08177-2846-011

DATE: July 01, 2012, Sunday

TIME: 0224 hours

LOCATION: 520 South Long Beach Boulevard, Compton CA. 90221

Opening Statement

On Sunday, July 01, 2012, Internal Affairs Bureau investigators responded to an incident command post, established by Compton Station personnel. Sergeant Richard Martinez, Sergeant Hector Velasquez and Lieutenant John McBride were briefed regarding the circumstances of a Deputy Involved Hit Shooting.

Synopsis

Deputy Esquivel and his partner, Deputy Christopher Hernandez, a [redacted] responded to the location regarding a call of a loud party disturbance. Refer to a printout of the call included under **Exhibit A page 92**. The party was being held in the parking lot of several businesses separated from the sidewalk by a tall, sliding wrought iron gate. Refer to a picture of the location under **Exhibit B**. They contacted the party promoter and security at the entrance/exit gate to the party and told them to turn down the music. The music was turned down and they left the location.

Deputies Esquivel and Hernandez said approximately ten minutes after leaving the party they received a message on their MDT to return to the party and shut it down. Refer to a printout of the message included under **Exhibit A page 94**. Deputies Esquivel and Hernandez returned to the party and contacted security at the entrance/exit gate. They told them to shut the party down and they were going to wait until it was over. Deputy Esquivel stood at the entrance/exit gate as people started to leave the party. He instructed Deputy Hernandez to move their radio car, as it was blocking a party bus from leaving. The party bus was partially blocking the entrance/exit gate, and moving it would allow the partygoers to exit more quickly.

Deputy Esquivel was now standing at the southern side of the entrance/exit gate when he heard/saw a crackling noise and light which looked like strobe lights. He then heard what he described as a few pops going off and partygoers started to run out of the party. Deputy Esquivel said he believed somebody had been shot inside of the party.

Approximately three to five seconds later, Deputy Esquivel saw Suspect Diaz walking briskly towards him. He described him as a gang member and saw that he had a chrome handgun in his right hand. The handgun was at about chest level and was being held parallel to his chest. Deputy Esquivel identified himself, flashed his light and pointed his gun at Suspect Diaz. Deputy Esquivel started giving verbal commands, to let him see his hands. Suspect Diaz ignored his orders and turned his body away from him, ducking down while swinging his body left. Suspect Diaz continued to turn and it appeared as if he was going to completely spin around and face Deputy Esquivel. Deputy Esquivel had now moved and positioned himself towards the north side of the entrance/exit gate and fired two rounds causing Suspect Diaz to stumble and fall to the ground. Deputy Esquivel immediately put out emergent radio traffic that he had been involved in a shooting. A CD containing the radio traffic can be found in **Exhibit A**.

Deputy Hernandez moved the radio car and was walking back to the location when he heard one to two gunshots coming from inside the party. Deputy Hernandez said he was on the sidewalk approaching the entrance/exit gate to the party when he heard gunshots. He saw people running out of the party through the gate and then heard two to three more gunshots coming from a close proximity. He then saw Deputy Esquivel with his gun drawn and Suspect Diaz laying on the ground. Deputy Esquivel and Suspect Diaz were just inside the entrance/exit gate of the party.

Deputies [redacted] and [redacted] happened to be driving on Long Beach Boulevard when they saw Deputies Esquivel and Hernandez's radio car parked at a party. They stopped to assist and heard the sounds of a taser and gunshots. They saw Deputy Hernandez enter the party and went to assist him. Deputy [redacted] assisted Deputy Hernandez handcuff Suspect Diaz, as Deputy [redacted] maintained security over a handgun that was on the ground.

Assisting Deputies arrived and located Victim [redacted] on the sidewalk just outside the gate suffering from a gunshot wound. He was transported to Saint Francis Medical Center where he was pronounced dead.

Suspect Diaz sustained a gunshot wound to his chest and a gunshot wound to his left hip. He was transported to Saint Francis Medical Center where he was listed in stable condition.

Suspect Diaz' weapon, a Colt .38 caliber revolver, loaded with five live .38 caliber rounds and one expended .38 caliber shell casing, was recovered at the scene.

IAB Note: A fight broke out inside of the party and Victim [redacted] apparently used a stun gun to break up the fight and was shot by Suspect Diaz. Victim [redacted] walked out of the party and collapsed on the sidewalk. Suspect Diaz was walking toward the exit of the party when he encountered Deputy Esquivel and the deputy involved shooting occurred.

No deputies were injured.

The incident was documented in Homicide Bureau's case book, **Exhibit A**.

Involved Personnel

Esquivel, Salvador, Deputy, #[redacted]

Assigned to Central Patrol Division, Compton Station

Working Unit 286D, Compton Station

Date of Employment: August 10, 2005

Date Assigned to Patrol: [redacted]

Date of Range Qualification: [redacted]

Prior Shooting Incidents: May 13, 2012

Prior Founded Force Incidents: [redacted]

Suspect

Diaz, Ramon MH/07-01-91

Suspect Diaz has an extensive criminal background. A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Diaz [redacted]

Refer to the CCHRS printouts included under **Exhibit A, pages 201-208**.

Sworn Witnesses

Hernandez, Christopher #[redacted], Deputy [redacted]



[redacted] #[redacted] Deputy (Compton Station)

[redacted] #[redacted], Deputy (Compton Station

Civilian Witnesses

[redacted]

Injuries

No deputies were injured.

Suspect Diaz sustained two gunshot wounds, one to his left chest and one to his left hip.

He was transported to Saint Francis Medical Center where he was listed in stable condition.

Medical Records for Suspect Diaz are included under **Exhibit C.**

Physical Evidence

All physical evidence was collected and documented by Scientific Services Bureau personnel. For more information, see **Exhibit A, pages 116 thru 131.** Additionally, CD's containing crime scene photographs, and audio recordings are provided with this case; refer to **Exhibit A.**

Investigators' Observations

At the time of the IAB investigator's arrival, the crime scene had been preserved. The physical evidence at the scene appeared to be consistent with the deputies' versions of the events.

This incident occurred at 520 South Long Beach Boulevard, Compton which is a north/south business street.

Weapon used by Deputy Personnel:

Esquivel, Salvador
Service Weapon Type: Beretta 9mm, 92FS, serial #BER[redacted]
Rounds Fired: Two
Date Employee Last Qualified:[redacted]
Combat Handgun Patrol School:[redacted]

> **IAB Note:** An examination of Deputy Esquivel's firearm indicated he shot a total of two rounds, as he carried his weapon with fifteen rounds in the magazine and one round in the chamber. Following the shooting his weapon contained thirteen rounds in the magazine and one round in the chamber. Two 9MM casings were recovered at the scene. See **Exhibit A page 119.** The firearm was tested by Sheriff's firearms examiners and found to be functional. **See Miscellaneous Documents.**

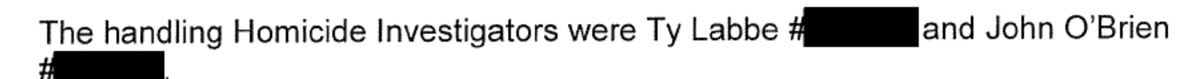
Weapon used by Suspect

(1) Stainless Steel, Colt .38 Special revolver, Serial #[redacted] containing (1) fired 38 Special cartridge case and five live 38 Special cartridge cases. See **Exhibit A page 119.** The firearm was tested by Sheriff's firearms examiners and found to be functional. See **Miscellaneous Documents.**

Property Damage

No property damage was located. There were two rounds fired by the deputy and both of those rounds struck Suspect Diaz.

Criminal Investigator



The handling Homicide Investigators were Ty Labbe #[redacted] and John O'Brien #[redacted].

Felony charges of Murder, 187(a)PC and Assault With A Firearm Upon A Peace Officer or Firefighter, 245(d)(1)PC were filed against Suspect Diaz under case #TA123912. See **Exhibit A pages 229-233.**

On August 30, 2013 Suspect Diaz pled No Contest to 245(A)(2)PC. A copy of the Minute Order can be found in the **Miscellaneous Documents** section.

Lighting and Weather Conditions

This incident occurred during evening hours. The weather was clear and warm. There were street lights near the scene which provided illumination.

Involved Employee Statements

Homicide investigators interviewed all involved personnel on the date of this incident. A summary of their interviews may be found in **Exhibit A, pages 5-15.** The verbatim transcripts of those interviews are enclosed in this case.

IAB Interview of Deputy Salvador Esquivel

Deputy Esquivel was interviewed by IAB investigators Richard Martinez and Jose Garcia on November 19, 2014. The following is a summary of that interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Deputy Esquivel said he responded to the location in regards to a party call. He was working with Deputy Hernandez [redacted] and they contacted the party promoter and security at the entrance/exit gate to the party and told them to turn down the music. The music was turned down and they left the location.

Deputy Esquivel said approximately ten minutes after leaving the party they received a message on their MDT to return to the party and shut it down. Deputies Esquivel and Hernandez returned to the party and contacted security at the entrance/exit gate.

They told them to shut the party down and they were going to wait until it was over. Deputy Esquivel stood at the entrance/exit gate as people started to leave the party.

He instructed Deputy Hernandez to move their radio car, as it was blocking a party bus from leaving. The party bus was partially blocking the entrance/exit gate and moving it would allow the partygoers to exit more quickly. Deputy Esquivel was now standing at the southern side of the entrance/exit gate when he heard/saw a crackling noise and light which looked like strobe lights. He then heard what he described as a few pops going off and partygoers started to run out of the party. Deputy Esquivel said he believed somebody had been shot inside of the party.

Approximately three to five seconds later, Deputy Esquivel saw a male walking briskly towards him. He described the male as a gang member and saw that he had a chrome handgun in his right hand. The handgun was at about chest level and was being held parallel to his chest. Deputy Esquivel identified himself, flashed his light and pointed his gun at the male. Deputy Esquivel started giving verbal commands, to let him see his hands. The male ignored his orders and turned his body away from him, ducking down while swinging his body left. The male continued to turn and it appeared as if he was going to completely spin around and face Deputy Esquivel. Deputy Esquivel had now moved and positioned himself towards the north side of the entrance/exit gate and fired two rounds causing the male to stumble and fall to the ground. When asked why he fired two rounds, Deputy Esquivel said that was what it took to stop the threat.

After firing his weapon Deputy Esquivel saw Deputy Hernandez and told him to handcuff the male on the ground. The male was then handcuffed without incident, as Deputy Esquivel put out emergent radio traffic stating he was just involved in a shooting.

Deputy Esquivel said when he fired at the male, he did not see the gun in his hand, however, he did not see the male discard the gun, nor did he hear a gun hit the ground. Deputy Esquivel believed the male was still armed with the gun and was going to use it against him.

Deputy Esquivel said there were cars and a wall behind the male when he fired at him.

> **IAB Note:** I showed Deputy Esquivel two photographs of the scene and had him mark down the locations of himself and the suspect during the incident. The photographs are included with his transcript.

Witnesses

Sworn:

IAB Interview of Deputy Christopher Hernandez

Deputy Hernandez was interviewed by IAB investigators Richard Martinez and Jose Garcia on November 19, 2014. The following is a summary of that interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Deputy Hernandez was interviewed by IAB investigators Richard Martinez and Jose Garcia on November 19, 2014. The following is a summary of that interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Deputy Hernandez said he was on a [redacted] with Deputy Esquivel. They responded to a party call at 520 South Long Beach Boulevard in the City of Compton. From where they were standing they could not see inside of the party, as there were vehicles blocking their view. They talked to the party promoter and security, instructing them to turn off the music and have the people leave. After doing this they left the location.

Approximately ten minutes after leaving the party they received a message on their vehicles computer from Compton Station. The message told them to return to the party and shut it down. They drove back to the party, parked their radio car behind a bus that was parked in the driveway of the location and spoke with the party promoter and security again. As they were speaking, Deputy Esquivel told Deputy Hernandez to move their radio car from behind the bus. Deputy Hernandez moved the radio car and was walking back to the location when he heard one to two gunshots coming from inside the party. Deputy Hernandez said he was on the sidewalk approaching the entrance/exit gate to the party when he heard the gunshots. He saw people running out of the party through the gate and then heard two to three more gunshots coming from a close proximity. He then saw Deputy Esquivel with his gun drawn and a Hispanic male laying on the ground. Deputy Esquivel and the male were just inside the entrance/exit gate.

Deputy Hernandez entered through the gate and handcuffed the suspect, who was laying on the ground. He does not remember if someone assisted him in handcuffing the suspect. Deputy Hernandez remembers bending down to handcuff the male, but does not remember if he put his knee or foot on him, as everything was chaotic and happening quickly. He did not witness any use of force by deputies during the incident.

After handcuffing the male, Deputy Hernandez said he heard Deputy [redacted] say there was an article and he (Deputy Hernandez) looked up and saw a handgun on the ground.

IAB Note: I showed Deputy Hernandez two photographs of the scene and had him mark down the locations of his vehicle, Deputy Esquivel, himself and the suspect during the incident. The photographs are included with his transcript.

IAB Interview of Deputy [redacted]

Deputy [redacted] was interviewed by IAB investigator Richard Martinez on November 20, 2014. The following is a summary of that interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Deputy [redacted] said he was working with Deputy [redacted] and they stopped to assist another unit at a party. As their radio car stopped and they were getting out of it, Deputy [redacted] heard the sound of a taser being activated, followed by two gunshots.

Deputy [redacted] walked towards the party and saw Deputies Esquivel and Hernandez. He saw Deputy Hernandez attempt to handcuff a male, it appeared to him Deputy Hernandez was having trouble handcuffing the male due to the male's size. Deputy [redacted] went to assist Deputy Hernandez in handcuffing the male and was told by Deputy Hernandez a deputy involved shooting had occurred.

Deputy [redacted] said the male they were handcuffing was having trouble standing up and was being held upright by Deputy Hernandez and himself. They guided the male to the ground and handcuffed him without incident.

Deputy [redacted] said he did not, nor did he see any deputy put his foot or knee on the male during the incident.

After the male was handcuffed, Deputy [redacted] was told by Deputy [redacted] that a firearm was located. Deputy [redacted] saw Deputy [redacted] standing over a firearm approximately twelve feet away from him, as he heard Deputy Esquivel put out emergent radio traffic.

Deputy [redacted] said assisting deputies arrived and they went about setting up crime scene tape, identifying witnesses and clearing out the party.

IAB Note: I showed Deputy [redacted] two photographs of the scene and had him mark down the locations of his vehicle, Deputy Hernandez and the suspect during the incident. The photographs are included with his transcript.

IAB Interview of Deputy [redacted]

Deputy [redacted] was interviewed by IAB investigator Richard Martinez on November 26, 2014. The following is a summary of that interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Deputy [redacted] said he and Deputy [redacted] were arriving at a party to assist deputies. As they were stopping their car he heard the sound of a taser being activated. Deputy [redacted] said he was not concerned with the sound of the taser, as his intentions were to assist the deputies. They stopped their car at the entrance to the party and as Deputy [redacted] was exiting the car he heard two gunshots. He saw Deputy Hernandez who was initially standing at the threshold of the party entrance, reach inside and bend over. Deputy [redacted] ran towards Deputy Hernandez and saw him handcuffing a male who was laying on the ground. The male being handcuffed was complaining of being shot, when Deputy [redacted] saw a handgun on the ground approximately six to eight feet away from the male. Deputy [redacted] went to the handgun and stood over it, as he did not want one of the partygoers to pick it up. As he stood over the handgun he heard Deputy Esquivel putting out radio traffic that he had been involved in a shooting and was requesting units to assist him.

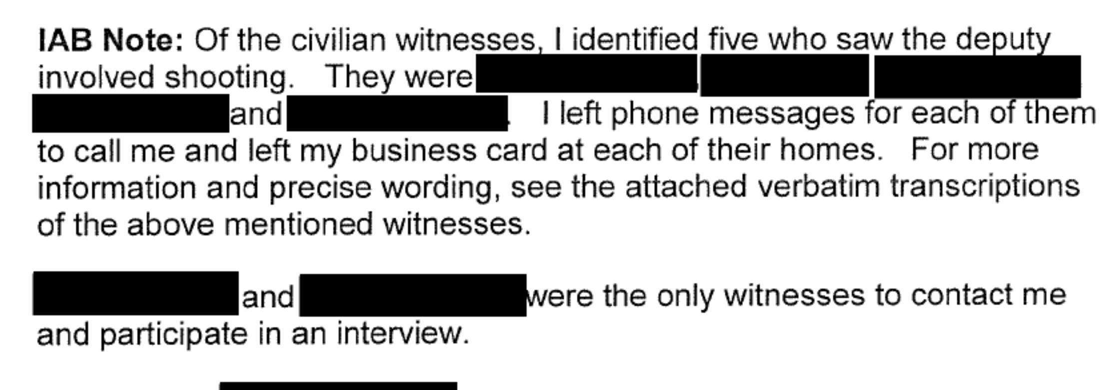
Deputy [redacted] said when assisting deputies arrived he told Deputy Hernandez to watch over the handgun, as he and other deputies cleared the location.

Deputy [redacted] said he did not see any deputy use force during the incident.

> **IAB Note:** I showed Deputy [redacted] a photograph of the scene and had him mark down the locations of Deputies Esquivel and Hernandez, the suspect and the firearm during the incident. The photograph is included with his transcript.

Civilian:

All of the civilian witnesses were interviewed on the date of the incident by Homicide Investigators Adan Torres #[redacted] and Jeff Leslie #[redacted] Also present during the interviews were Senior Investigator Regina Crenshaw, Head Deputy District Attorney Sergio Gonzalez and Deputy District Attorney Kevin Stennis, of the Justice System Integrity Division, along with Sergeants Richard Martinez and Hector Velasquez, of the Internal Affairs Bureau. A CD containing the audio recordings of the interviews is included under **Exhibit A**. For summaries of the interviews, refer to **Exhibit A, pages 30-44.**


IAB Note: Of the civilian witnesses, I identified five who saw the deputy involved shooting. They were [redacted] [redacted] [redacted] [redacted] and [redacted]. I left phone messages for each of them to call me and left my business card at each of their homes. For more information and precise wording, see the attached verbatim transcriptions of the above mentioned witnesses.

[redacted] and [redacted] were the only witnesses to contact me and participate in an interview.

<u>IAB Interview of Witness [redacted]</u>

Witness [redacted] was interviewed by IAB investigators Richard Martinez and Dan Peacock on November 25, 2014. The following is a summary of that interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Witness [redacted] said he was at the party standing near the porta-potty when people at the party started fighting. As the fight continued he heard gunshots and saw the guy who shot the gun walk towards the exit. As the guy was walking towards the exit he was carrying a black handgun and was confronted by a deputy. The deputy told the guy something to the effect of, "Drop the gun," before the deputy shot him. After being shot the guy fell to the ground and was handcuffed by deputies.

> **IAB Note**: I showed Witness [redacted] a photograph of the scene and had him mark down his location and those of the deputy and suspect at the time of the shooting. The photograph is included with his transcript.

<u>IAB Interview of Witness [redacted]</u>

Witness [redacted] was interviewed by IAB investigators Richard Martinez and Louis Vigil on November 25, 2014. The following is a summary of that interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Witness [redacted] said he was standing near the gate at the entrance/exit of the party and two deputies were standing near him. He described one of the deputies as being around 6'3" and weighing around 250 pounds. He heard gunshots coming from inside of the party and saw the deputies step inside of the gate with their guns drawn. The suspect came around the white van holding a handgun and the deputies told him to stop. Witness [redacted] said the suspect did some type of motion while still holding the handgun and was shot by the deputy. He said the deputy that shot the guy was the tall guy. The suspect fell to the ground and was handcuffed by the same deputy that shot him.

IAB Note: Deputies Esquivel and Hernandez were the deputies near the gate at the time of the shooting. Deputy Hernandez is 6'4" and Deputy Esquivel is shorter at 6'00".

Witness [redacted] said after being handcuffed the suspect was sat against the entrance/exit gate. As he sat there he asked for help and the tall deputy told him to shut up. The deputy then put his foot on the suspect's shoulder and pushed him, causing the suspect to fall to his side. Witness [redacted] went on to say it seemed like 45 minutes passed before the ambulance came.

IAB Note: I showed Witness [redacted] a photograph of the scene and had him mark down his location and those of the deputies and suspect at the time of the shooting. The photograph is included with his transcript.

Suspect:

Diaz, Ramon

Suspect Diaz was interviewed by Homicide Investigators John O'Brien and Ty Labbe. Below is a summary of the Homicide interview by IAB. For Homicide's summary of the interview, refer to **Exhibit B, pages 17-22**. For more information and precise wording, see the attached verbatim transcription of the interview.

Suspect Diaz said he was at the party with friends and was drinking whiskey and cranberry juice. At some point in the evening several people started fighting near him. During the fight one of the males started using a Taser on people. Suspect Diaz said he was trying to run away from the people fighting and felt the Taser being used on him. He said the Taser made contact with him on the back of his neck.

Suspect Diaz said he continued running towards the exit and heard one gunshot. He said it sounded like it came from the bar area of the party. Suspect Diaz was near the exit of the party when he saw a deputy standing near the exit, pointing a flashlight at him and telling him (Suspect Diaz) to put his hands in the air. The deputy then grabbed Suspect Diaz' left hand and shot him once in the chest and once in the leg. After he was shot he was thrown to the ground by the deputy. Once on the ground, the deputy stepped on his back and feet. Suspect Diaz said he kept asking the deputy why he shot him and the deputy kept telling him to shut up.

Suspect Diaz said he did not have a gun on him at the time of the shooting, or at any time during the evening. He did say at some point during the party a sweater fell from a chair he was sitting by. He picked up the sweater and felt a gun inside of it. He described the gun as being a semi-shiny revolver. He said he put the gun and sweater back on the chair and did not know who the sweater and gun belonged to.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

February 25, 2014

Captain Duane Harris
Homicide Bureau
Los Angeles Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #12-0438
LASD File #012-08177-2846-011

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 1, 2012, non-fatal shooting of Ramon Diaz by Los Angeles Sheriff's Department (LASD) Deputy Salvador Esquivel. It is our conclusion that Deputy Esquivel acted in lawful self-defense.

The District Attorney's Command Center was notified of the shooting at 3:51 a.m., on July 1, 2012. The District Attorney Response Team (DART), comprised of Deputy District Attorney Kevin Stennis and District Attorney Senior Investigator Regina Crenshaw, responded and was given a briefing regarding the circumstances of the shooting and a walk-through of the scene.

The following analysis is based on investigative reports prepared by the Los Angeles Sheriff's Department, submitted to this office by Detective John O'Brien, LASD Homicide Bureau. Deputy Esquivel's voluntary statement was considered as part of this analysis.

FACTUAL ANALYSIS

On July 1, 2012 at 2:00 a.m., Los Angeles County Sheriff Department (LASD) Deputies Salvador Esquivel and Christopher Hernandez from the Compton Station were dispatched to a large party disturbance call at 520 South Long Beach Boulevard in the City of Compton. The party location was a large commercial lot containing several automotive businesses. The yard was contained by a wall surrounding the yard with a wrought iron gate that rolled sideways to open and close the entrance to the yard. The gate was covered with a large blue tarp which blocked the view from the outside to the inside of the yard. Inside the yard were 15 to 20 used cars scattered throughout the yard belonging to the different businesses. At the time of the call, there were numerous people attending the party inside the yard.

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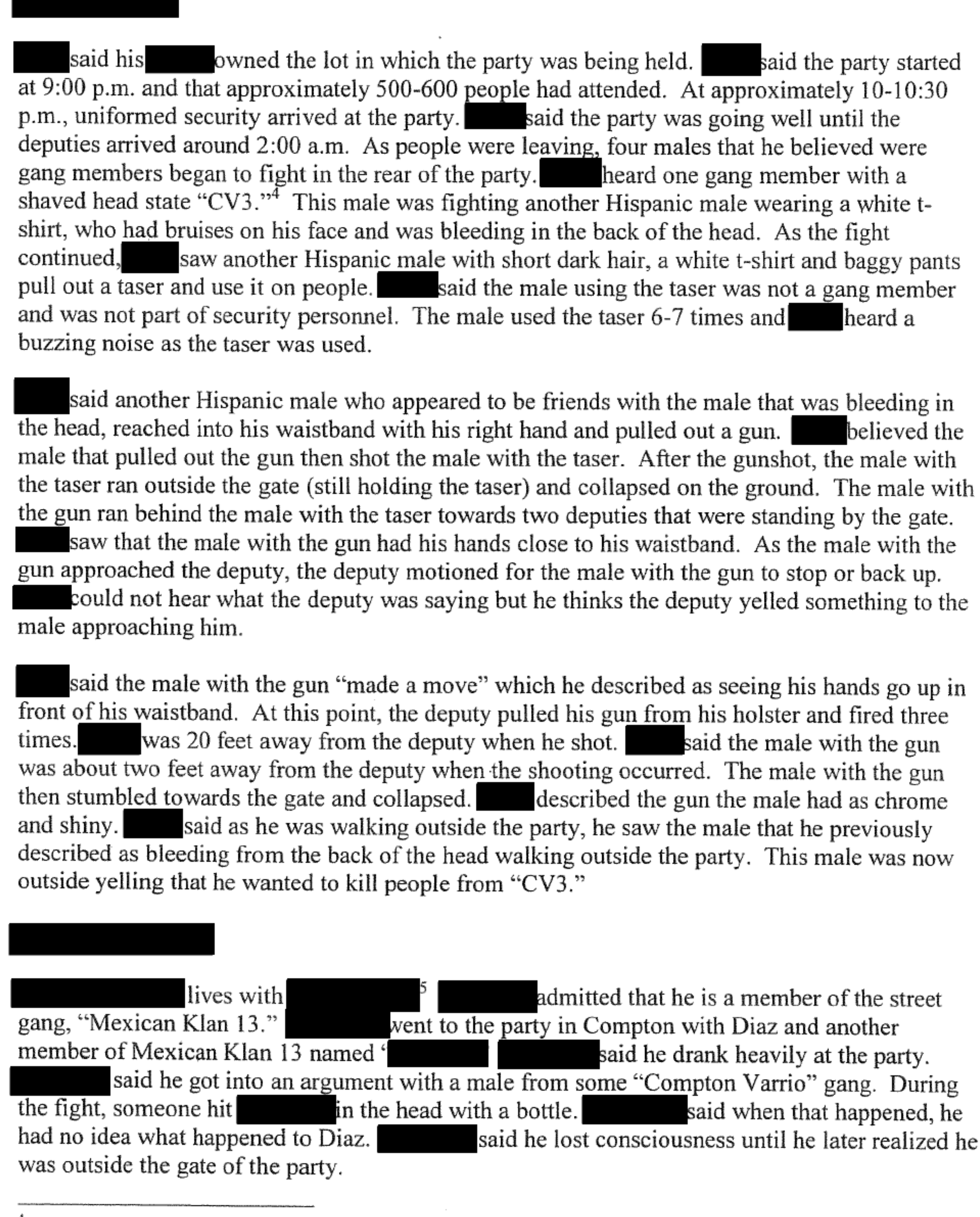
Deputy Esquivel entered the yard and told the party promoter and security guards that the party was making too much noise. The promoter said he would control the noise, so Deputies Esquivel and Hernandez left the party and returned to their patrol. About 10-15 minutes later, Deputies Esquivel and Hernandez received a second call to return to the party location due to additional complaint calls about the loud party noise. When he returned to the party location, Deputy Esquivel contacted the promoter and security guards and told them they would have to shut down the party due to the complaints about the loud noise. The music was subsequently turned off and people started leaving the yard. There was a large party bus parked in the street in front of the entrance gate to the yard. As people started leaving the yard and getting on the bus, Deputy Esquivel directed Deputy Hernandez to move their patrol car which was blocking the party bus from leaving.

As Deputy Hernandez moved the patrol car, Deputy Esquivel (who was standing outside the gate), heard a "crackling" sound come from inside the gate. After the "crackling" sound, he heard two "pops" from the same area. Believing the sounds he heard were gunshots, Deputy Esquivel drew his service weapon and stepped inside the gate as people inside the party area started running past him towards the gate. After the "popping" sounds, Deputy Esquivel noticed a male, later identified as Ramon Diaz, following a group of people that were quickly leaving the party. Diaz was holding a silver revolver in his right hand with the barrel facing in front of him. Deputy Esquivel yelled to Diaz, "Let me see your fucking hands!" Diaz ignored the commands and started turning to his left. Deputy Esquivel sidestepped to the left to avoid having the gun face him. Within a split second, Diaz made a complete 360 degree turn and was now 2-5 feet away and facing Deputy Esquivel with the firearm pointed in the direction of Deputy Esquivel.

Deputy Esquivel continued yelling at Diaz to drop the weapon which Diaz ignored. In fear for his safety and believing Diaz was going to shoot him, Esquivel fired two rounds at Diaz.[1] Diaz collapsed to the ground. Deputy Hernandez arrived and handcuffed him. After Diaz dropped the silver revolver to the ground, it was secured four feet from his feet.[2] The revolver had five live rounds and one expended shell casing in the chamber. Diaz suffered non-fatal gunshot wounds to his abdomen and upper left leg. A urine sample taken from Diaz tested positive for amphetamines and marijuana.

At the time of the shooting, Deputy Esquivel was unaware that a gunshot victim, identified as [redacted] had collapsed on the sidewalk outside the gate.[3] A taser was recovered on the ground next to [redacted]

[1] Deputy Esquivel's firearm was a Beretta 9mm semiautomatic model 92FS.
[2] The silver revolver was a Colt 38 Special chrome revolver with a 4 inch barrel.
[3] [redacted] died as a result of his gunshot wounds.



[redacted]

[redacted] said his [redacted] owned the lot in which the party was being held. [redacted] said the party started at 9:00 p.m. and that approximately 500-600 people had attended. At approximately 10-10:30 p.m., uniformed security arrived at the party. [redacted] said the party was going well until the deputies arrived around 2:00 a.m. As people were leaving, four males that he believed were gang members began to fight in the rear of the party. [redacted] heard one gang member with a shaved head state "CV3."[4] This male was fighting another Hispanic male wearing a white t-shirt, who had bruises on his face and was bleeding in the back of the head. As the fight continued, [redacted] saw another Hispanic male with short dark hair, a white t-shirt and baggy pants pull out a taser and use it on people. [redacted] said the male using the taser was not a gang member and was not part of security personnel. The male used the taser 6-7 times and [redacted] heard a buzzing noise as the taser was used.

[redacted] said another Hispanic male who appeared to be friends with the male that was bleeding in the head, reached into his waistband with his right hand and pulled out a gun. [redacted] believed the male that pulled out the gun then shot the male with the taser. After the gunshot, the male with the taser ran outside the gate (still holding the taser) and collapsed on the ground. The male with the gun ran behind the male with the taser towards two deputies that were standing by the gate. [redacted] saw that the male with the gun had his hands close to his waistband. As the male with the gun approached the deputy, the deputy motioned for the male with the gun to stop or back up. [redacted] could not hear what the deputy was saying but he thinks the deputy yelled something to the male approaching him.

[redacted] said the male with the gun "made a move" which he described as seeing his hands go up in front of his waistband. At this point, the deputy pulled his gun from his holster and fired three times. [redacted] was 20 feet away from the deputy when he shot. [redacted] said the male with the gun was about two feet away from the deputy when the shooting occurred. The male with the gun then stumbled towards the gate and collapsed. [redacted] described the gun the male had as chrome and shiny. [redacted] said as he was walking outside the party, he saw the male that he previously described as bleeding from the back of the head walking outside the party. This male was now outside yelling that he wanted to kill people from "CV3."

[redacted]

[redacted] lives with [redacted][5] [redacted] admitted that he is a member of the street gang, "Mexican Klan 13." [redacted] went to the party in Compton with Diaz and another member of Mexican Klan 13 named '[redacted] [redacted] said he drank heavily at the party. [redacted] said he got into an argument with a male from some "Compton Varrio" gang. During the fight, someone hit [redacted] in the head with a bottle. [redacted] said when that happened, he had no idea what happened to Diaz. [redacted] said he lost consciousness until he later realized he was outside the gate of the party.

4 "CV3" stands for a Compton gang, "Compton Varrio Tres".
5 Ramon Diaz is a documented member of "Mexican Klan 13" with a moniker of "Lazy."

As a result of this incident, Ramon Diaz was charged in case TA123912 with one count of murder, the victim being [redacted] and one count of assault with a firearm, the victim being Deputy Esquivel. On January 22, 2013, Diaz plead no contest to the assault with a firearm charge (victim Deputy Esquivel) and the murder charge was dismissed. Diaz was sentenced to seven years in prison.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

"When the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this investigation shows that as Deputy Esquivel was outside the gate he heard what was later determined to be a taser being activated, followed by a gunshot. [redacted] observed Ramon Diaz shoot the person with the taser. [redacted] then observed Diaz go in the direction of Deputy Esquivel while holding his hands by his waistband. Deputy Esquivel saw Diaz approaching him with the gun, quickly stepped to his left to avoid getting shot and ordered Diaz to stop and drop the gun. Diaz ignored Esquivel's commands, turned to face him and pointed the gun in Esquivel's direction. Deputy Esquivel continued to yell commands at Diaz and [redacted] saw Diaz "make a move" in front of Deputy Esquivel. In fear that he was about to be shot, Deputy Esquivel fired two rounds ending the deadly threat.

Given the rapidly evolving, life threatening situation that confronted Deputy Esquivel, we conclude that he acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

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c: Deputy Salvador Esquivel #[redacted]